

Application for an adoption order (excluding a Convention adoption order) where the child is habitually resident outside the British Islands and is brought into the United Kingdom for the purposes of adoption (Form A60)

Notes on completing the form

Important

In these notes, any reference to a birth certificate, death certificate, marriage certificate or certificate of civil partnership obtained in England and Wales means a certified copy of the entry in the Register of Live Births, the Register of Deaths, the Register of Marriages or the Register of Civil Partnerships, as appropriate. A photocopy is not acceptable.

If you are attaching any order of the High Court, county court or the family court to your application, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court). If you are attaching an order made by a magistrates' court, it must be a certified copy (a copy certified by the court officer to be a true copy of the original order), or a copy that bears the stamp of the originating court. An order issued by any other authority must be properly authenticated by that authority. If you are in any doubt about what is needed, please contact the court for assistance.

Take or send the completed application form, and three copies, to the court, together with the court fee and any documents you are attaching in support of your application.

You should normally make your application to the Designated Family Centre for your area. You can find this, and a full list of courts and what type of work they do online at courtribunalfinder.service.gov.uk

You may need to pay a fee with your application. You should read leaflet EX50 Civil and family court fees to find out what fee, if any, you need to pay. This leaflet is available from your local court or online at hmctsformfinder.justice.gov.uk

You may be exempt from paying all or part of the fee. The combined booklet and application form 'EX160A Court Fees - Do you have to pay them' gives more information. This leaflet is available from your local court or online at hmctsformfinder.justice.gov.uk

If you are attaching a statement of facts to your application (see note 22 below), please supply two additional copies of the statement. If you are attaching health reports (see note 24 below), please supply two additional copies of the reports.

Notes on the application form

Note 1

Enter the name of the child you are applying to adopt, surname last. You must enter the full first name(s) and the surname of the child exactly as they are shown on the certified copy of the child's original birth certificate, any abandonment certificate/declaration, or where the child has been adopted, the certified copy of the entry in the register of adoptions as recognised in the State of origin or a certified copy of the adoption certificate (see note 12 below).

Note 2

If you do not want your identity to be made known to the parents or guardians of the child you are intending to adopt, the court will issue you with a serial number. Any documents sent to the parents/guardians will show the serial number, not your personal details. If you are required to attend the same court hearing, the court will make arrangements to ensure that your identity is protected.

Part 1 About You

Note 3

If the name you have entered is different from your name as it is shown on any evidence of marriage or civil partnership you are sending with your application form (for example, because you have changed your name by deed), please attach a continuation sheet explaining the reason for the difference, and a copy of any supporting documents (such as the deed).

Note 4

The occupation you give here will appear on the adoption order and will subsequently be entered in the Adopted Children Register. Please note that failure to give full details may result in a delay in issuing the child's adoption certificate. It is important that you enter the full title of your occupation (or former occupation if you are retired), for example, 'secondary school teacher' or 'ballet teacher', not 'teacher'; 'self-employed carpenter', not 'self-employed'; 'retired police officer', not 'retired'. Abbreviations or general descriptions such as 'self-employed', 'part-time worker', or 'retired', cannot be accepted. Please note also that company names cannot be entered in the Register and it is not sufficient to enter that you are an 'employee' or 'worker' with any particular company, you must give your occupation. If you are unemployed or currently unable to work because of disability, you should give your last occupation. If you are a member of HM Forces, you should give your rank and/or profession.

Note 5

Enter your relationship to the child you are applying to adopt, for example, step-parent, foster parent, grandparent, aunt, uncle, other relative (please specify). If you do not currently have any relationship to the child, other than as prospective adopter, please enter 'none'.

Note 6

An adoption order cannot be made unless

- you are (in the case of two applicants, at least one of you is) domiciled in the United Kingdom, the Channel Islands or the Isle of Man; or
- you (in the case of two applicants, both of you) have been habitually resident in the United Kingdom, the Channel Islands or the Isle of Man for a period of at least one year, ending with the date of your application.

The United Kingdom means England, Wales, Scotland and Northern Ireland

'Domicile' is normally taken to mean the place where you have your permanent home. 'Habitual residence' is normally taken to refer to usual, or customary, residence in a particular place. If you are in any doubt as to whether you meet these conditions, you should seek legal advice.

Note 7

If you are applying to adopt alone and you are the partner (including spouse or civil partner) of the child's father or mother or other parent, you should complete paragraph (l) and then go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to you.

The definitions of 'Other Parent' are;

- A woman who was in a Civil Partnership with the mother at the time of assisted reproduction and who is a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008
- A woman who was not in a Civil Partnership with the mother at the time of assisted reproduction and who is a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008

Note 8

If you are applying to adopt alone and you are the partner (but not the spouse or civil partner) of a person who is not the parent of the child you wish to adopt, you should complete paragraph (m). Please give your reasons for applying to adopt alone. If there is not enough room for your reply, you may continue on a separate sheet. You should then go straight to Part 2 About the Child. Paragraphs (n) to (r) do not apply to you.

Note 9

If you are applying to adopt alone and

- you have never been married/ had a civil partner, please complete paragraph (n);
- you are divorced, or your civil partnership has been dissolved, please complete paragraph (o) and attach a copy of the Decree Absolute or the Dissolution Order to your application;
- you are a widow or widower or a surviving civil partner, please complete paragraph (p) and attach the death certificate of your deceased spouse or civil partner to your application.

Note 10

If you are applying to adopt alone and you are married or you have a civil partner, you will need to satisfy the court that:

- your spouse or civil partner cannot be found, or
- you have separated from your spouse or civil partner, you are living apart, and the separation is likely to be permanent, or
- your spouse or civil partner is physically incapable of making an application or lacks capacity (within the meaning of the Mental Capacity Act 2005) to do so.

You must show on the application form which of these three grounds applies in your case by ticking the appropriate box.

You should attach your marriage certificate (or other evidence of marriage) or certificate of civil partnership (or other evidence of civil partnership) to your application, together with any other documentary evidence on which you propose to rely, such as a decree of official separation, or medical evidence of physical incapability or a lack of capacity within the meaning of the Mental Capacity Act 2005. You should also supply the name and address (if known) of your spouse or civil partner.

Note 11

If you are applying alone for an adoption order in respect of your own child you will need to satisfy the court that;

- the other natural parent has died, or
- the other natural parent cannot be found, or
- there is no person who is a parent by virtue of section 28 of the Human Fertilisation and Embryology Act 1990, (disregarding subsections (5A) to (5I) of that section) and sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act), or
- there is some other reason (which you must set out on your application form) justifying the other parent's exclusion from your application.

You must show on the application form which of these grounds applies in your case by ticking the appropriate box.

You should attach to your application any documentary evidence on which you propose to rely, such as the death certificate.

Part 2 About the Child

Note 12

A certified copy of the child's original birth certificate, any abandonment certificate, or where the child has been adopted, a certified copy of the entry in the register of adoptions as recognised in the State of origin or a certified copy of the adoption certificate, should be attached.

Where you are unable to attach a birth certificate, enter the place (including the country) of the child's birth, if known.

No application may be made in respect of a person who is aged 18 or more at the time of the application.

Note 13

Where the child is habitually resident in a country outside the British Islands and is brought into the United Kingdom for the purposes of adoption by a British resident, prior to the child's entry into the United Kingdom the Department for Education (DFE) issue a certificate usually referred to as a 'certificate of eligibility' to the State of origin.

This certificate confirms to the foreign authority that the individual, or as the case may be the couple, have been assessed and approved to adopt and that the correct procedures have been followed. The certificate also refers to entry clearance procedures having to be complied with as well. The prospective adopter(s) is/are sent a letter notifying them that the certificate of eligibility has been issued. You should attach a copy of the notification letter from the DFE to this application.

Note 14

The court cannot make an adoption order in relation to any person who is or has been married, or any person who is or has been a civil partner.

Note 15

Where the requirements imposed by section 83(4) of the Adoption and Children Act 2002 have been complied with and the conditions required by section 83(5) have been met (i.e. you have complied with the Adoptions with a Foreign Element Regulations 2005) the child must have had his/her home with you or, in the case of an application by a couple, with one or both of you, for not less than six months preceding the application.

Where the requirements imposed by section 83(4) of the Act have **not** been complied with and the conditions required by section 83(5) have not been met (i.e. you have not complied with the Adoptions with a Foreign Element Regulations 2005) the child must have had his/her home with you or, in the case of an application by a couple with one or both of you, for not less than twelve months preceding the application.

Note 16

You must notify in writing the local authority where you have your home or last had your home of your intention to apply for an adoption order within 14 days beginning with the date on which the child is brought into the United Kingdom.

Note 17

If some person or body is liable to pay maintenance for the child under a court order, or a maintenance agreement or child support maintenance awarded by the Child Support Agency, give the name and address of the person or body liable to pay. In the case of a maintenance order, give the name of the court and the date the order was made; otherwise, give the date of the maintenance agreement or child support maintenance award.

If possible, you should attach a copy of any maintenance order or a copy of the maintenance agreement or maintenance award to your application.

Note 18

If there are earlier, or current, court proceedings relating to the child you are applying to adopt (for example, proceedings for a care order, a parental responsibility order or a child arrangements order), give the name of the court, the nature of the proceedings and the date and effect of any order made, or the date of the next hearing if proceedings are current. You do not need to repeat the details of any maintenance order or agreement you have already given.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

Important: if you have previously applied for an adoption order in respect of the same child and the order was refused, you will need to satisfy the court that there has been a change of circumstances since you last applied, or that there is some other reason why

the court should hear your current application. Please set out your reasons for making this application on a separate sheet, explaining why you think the application should be heard. Please put the child's full name, the number of the Part and the paragraph reference at the head of the sheet and attach it to your application form.

Part 3 About the child's parent(s) or guardian

Note 19

If the child has previously been adopted, give the names of his/her adoptive parents, not those of his/her natural parents.

Note 20

If the child has no guardian, enter 'not applicable'. Otherwise please enter the name of any person who may be regarded as the child's guardian in the country where the child is habitually resident. If the child has more than one guardian, please give the name and address of any other guardian(s) on a separate sheet, putting the child's full name, the number of the Part and the paragraph reference at the head of the sheet.

Note 21

Copies of the consents of the persons, institutions and authorities whose consents are necessary for adoption in the place where the child is habitually resident and being brought from should where possible be attached.

You do not need to ask the court to dispense with the consent of the child's parent(s) or guardian(s) to your application if the child's parent(s)/guardian(s) has/have consented to the making of an adoption order.

Please complete paragraph (i) showing that this condition applies in your case.

Note 22

If you are asking the court to dispense with the consent of any parent or guardian, the court can only dispense with that person's consent if it is satisfied that:

- he or she cannot be found, or
- he or she is incapable of giving consent; or
- the welfare of the child requires it.

You must complete paragraph (i) indicating which of these three grounds applies to your request. The court will also require from you a brief statement setting out a summary of the history of the case and any other facts to satisfy the court that the grounds for your request apply. This statement is known as a 'statement of facts'. If a parent cannot be found, your statement of facts should give details of the steps taken to trace him/her. The statement of facts must be signed by your solicitor, or by you (both of you) if you do not have a solicitor.

You should attach your statement of facts, and two copies of the statement, to your application form. You should also attach any documents you are submitting in support of your statement.

Important: The court will send a copy of your statement of facts to each parent or guardian of the child. If you intend to ask the court to keep your identity confidential, you should make certain that the statement of facts does not include any information that could identify you, where you live, or where the child goes to school or nursery.

Part 4 General

Note 23

Please enter the name by which you want the child to be known following the adoption. This is the name that will be entered on the Adopted Children Register. You may wish the child to have a new name following the adoption, but there is no obligation to change the child's name if you do not want to do so.

Note 24

You do not need to send a report on your health (or the health of the other applicant, if there is one) or the health of the child with your application if:

- he/she is your child, or the child of the other applicant, or
- you are applying alone as the partner (including the spouse or civil partner) of the child's mother, father or other parent.

In any other case you must attach separate health reports in respect of each applicant and the child, and two copies of the reports. The health reports should cover the matters set out in the Practice Direction 'Reports by a registered medical practitioner ("health reports")', and must have been made no more than three months before the date of your application for an adoption order.

Special assistance or facilities for disability if you attend the court

Note 25

If you/either of you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter.

The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.